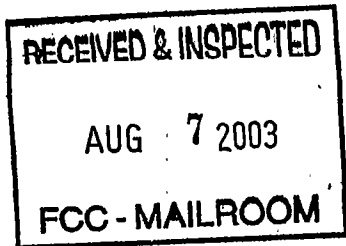


Express Mail ET 716363165 US

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
the)	
)	
Braxton County School District)	
)	
)	
)	CC Docket No. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

Appeal
and
Request for Expedited Relief
on behalf of the
Braxton County School District

August 5, 2003

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554

No. of Copies rec'd
List ABCDE

074

This is an appeal from a decision by the Schools and Libraries Division of the USAC.
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.
Please time stamp the extra copy and return it to me in the enclosed self addressed-
stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number:	341055
Funding Year 2003:	07/01/2003-06/30/2004
Billed Entity Number:	126782
Date of Funding Denial Notice:	July 28, 2003
Date of Appeal:	August 5, 2003

(2) **SLD Contact Information**

(a) Currie A. Sutton
27600 Chagrin Blvd., Ste 260
Cleveland, OH 44122
Tel. (216) 682.0169
Fax. (216) 514-3337

(b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)
27600 Chagrin Blvd., Ste 265
Cleveland, OH 44122
Tel. (216) 514.4798

(3) **Funding Request Numbers Appealed**

FRN -941988

(4) **SLD's Reason for Funding Denial**

The SLD stated that funding is denied because:

"30% or more of this FRN includes a request for unsubstantiated charges which
are ineligible per program rules."

(5) **The “30% rule” was incorrectly applied by the SLD.**

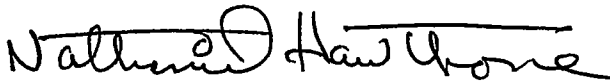
- a) On February 4, 2003 the Braxton County School District (Braxton) prepared and filed a FCC Form 471 for telecommunications service with Verizon-West Virginia as the vendor. The service had an “estimated” monthly charge of \$2,180.00, with estimated annual charges of \$26,160.00 .
- b) **Exhibit A** is the “billing” that Braxton submitted to the SLD.
- c) While the District’s request for funding was based on anticipated (estimated) telecommunications usage, Braxton’s expenses should have been reduced rather than denied.
- d) The FCC’s 30% rule provides, *in relevant part*, “[if] 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding Commitment Decision Letter will cite the ineligible services for which funds were not committed. If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items. [Emphasis added.] **Here, there are no ineligible expenses included in Braxton’s USF request.**
- e) Based on the the 30% rule and the attached exhibit, there is no factual basis for the denial.

Conclusion:

Braxton is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN -941988;**
- (b) Set aside funds to totally fund Braxton's request.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nathaniel Hawthorne". The signature is fluid and cursive, with a large initial "N" and a long horizontal stroke extending to the right.

Nathaniel Hawthorne

District of Columbia Bar No. : 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Braxton County School District

Exhibit A

COVER SHEET

**To: Patricia Hasegawa
Schools and Libraries**

Fax: 973.599.6521

From: Currie A. Sutton

Date: 6-26-03

Pages: 19 (Including Cover)

Re: Braxton County School District-Application # 341055

FRN 941988- Verizon-West Virginia

The documentation you requested is attached. See Pages 1-12 Incl.

FRN 941998 Verizon-West Virginia

The documentation you requested is attached.

Installation charges were answered in fax to you on 6-18-03.

There is expected growth of two additional T1's. This will increase the monthly rate by $\$421.25 \times 2 = \842.50 a month.

See attached pages 13-15 Incl.

FRN 942033-Norcom

The documentation you requested is attached.

See page 16.

FRN 942041-Hardy Cellular dba U S Cellular

See attached SPIN change from Hardy Cellular to Easterbrooke dba as Cellular One. The wrong cellular provider was input on 471 application. Therefore, see attached spin change. The supporting documentation is page 17 & 18.

Currie A. Sutton, email: curries@ameritech.net

Tel: 216.682.0169

Fax: 216.514.3337

The information contained in this facsimile message may be confidential and /or legally privileged information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that copying, dissemination, or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile



Billing Date 3/13/03
Account 000026460589 05Y
Page 1 of 38
Questions? Call: (800) 607-6575

BRAXTON CO BD OF EDU
BOARD OFFICE
304 765-7101

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 2/13/03.....	\$894.24
Payment(s). Thank you. 2/25.....	\$894.24
Balance.....	\$.00
Verizon Services.....	\$976.58
USBI.....	\$14.81
Current Charges Due by 4/12/03.....	\$991.39

Your bill includes charges from a new service provider this month.
Please check your detailed billing pages.

Total Amount Due by 4/12/03 \$991.39

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit
Payment Option, please read and
sign the agreement on the reverse
of the payment form.

PAID

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below

Page 2



Billing Date 3/13/03
 Account 000026460589 05Y
 Page 2 of 38
 Questions? Call: (800) 607-6575

How Your Charges are Billed

Your telephone bill includes five types of service charges:

1. **Basic Service Charges** - Charges for local telephone service, dial tone line, associated services and installation charges. Your bill will always include some regulated service charges, even if you do not use your phone.
2. **Non-Basic Service** - All charges other than Basic, Toll, Non-Telcom or Directory Advertising.
3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	447.91	447.91
Non-Basic Charges	.00 *	447.63	447.63
Toll Charges	.00 *	16.05	16.05
Non-Telcom Charges	.00 *	79.80	79.80
Directory Advertising	.00 *	.00	.00
Totals	\$0.00 *	\$991.39	\$991.39

* Failure to pay an amount indicated by the asterisk could result in the discontinuance of those services. For example, if basic charges are marked by an asterisk and basic charges are not paid, you could lose dial tone.

The following pages provide billing detail for the charges listed. If you have questions or complaints, call us using the telephone number found at the top of the Verizon pages of your bill.

Verizon-West Virginia is a utility regulated by the Public Service Commission of West Virginia. Please mail payments to Verizon-WV, P.O. Box 17577, Baltimore, Maryland 21297-0513. Payments received on any business day will be credited to your account the next business day. Payments credited to your account on or before the due date are considered "on-time". If your payment is late, we will notify you that your service may be disconnected.

For information about your Verizon service, see the "Customer Guide" in front of your phone book. (Federal Tax ID 55-0142020)

90083



Billing Date 3/29/03
Account 000026459583 60Y
Page 1 of 9
Questions? Call: (800) 607-6575

BRAXTON COUNTY BD OF ED
BURNSVILLE ELEMENTARY
304 853-2523

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 2/28/03.....	\$120.09
Payment(s). Thank you. 3/20.....	\$120.09 ^{CR}
Balance.....	\$.00
Verizon Services.....	\$132.61
Current Charges Due by 4/28/03.....	\$132.61
Total Amount Due by 4/28/03.....	\$132.61

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

PAID

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below

Page 4



Billing Date 3/29/03
 Account 000026459583 60Y
 Page 2 of 9
 Questions? Call: (800) 607-6575

How Your Charges are Billed

Your telephone bill includes five types of service charges:

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3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	59.97	59.97
Non-Basic Charges	.00 *	59.03	59.03
Toll Charges	.00 *	9.28	9.28
Non-Telcom Charges	.00 *	4.33	4.33
Directory Advertising	.00 *	.00	.00
Totals	\$.00 *	\$132.61	\$132.61

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Page 5


verizon

Billing Date 3/29/03
Account 000026458714 80Y
Page 1 of 10
Questions? Call: (800) 607-6575

BRAXTON COUNTY
DAVIS MAIN
304 364-5291

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 2/28/03.....	\$148.42
Payment(s). Thank you. 3/20.....	\$148.42
Balance.....	\$.00
Verizon Services.....	\$154.83
Current Charges Due by 4/28/03.....	\$154.83
Total Amount Due by 4/28/03.....	\$154.83

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

RECEIVED

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below



Page 6

Billing Date 5/29/03
 Account 000026458714 80Y
 Page 2 of 10
 Questions? Call: (800) 607-6575

How Your Charges are Billed

Your telephone bill includes five types of service charges:

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3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	81.07	81.07
Non-Basic Charges	.00 *	61.77	61.77
Toll Charges	.00 *	7.66	7.66
Non-Telcom Charges	.00 *	4.33	4.33
Directory Advertising	.00 *	.00	.00
Totals	\$.00 *	\$154.83	\$154.83

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Page 7

verizon

Billing Date 3/29/03
Account 000047324014 11Y
Page 1 of 10
Questions? Call: (800) 607-6575

BRAXTON CO BOARD OF EDUC
FRAMETOWN ELEM
304 364-5526

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 2/28/03.....	\$142.66
Payment(s). Thank you. 3/20.....	\$142.66
Balance.....	\$.00
Verizon Services.....	<u>\$144.25</u>
Current Charges Due by 4/28/03.....	\$144.25
Total Amount Due by 4/28/03.....	\$144.25

A late payment charge not to exceed 1% applies to any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit Payment Option, please read and sign the agreement on the reverse of the payment form.

PAID

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below

Page 8



Billing Date 3/27/93
 Account 000047324014 11Y
 Page 2 of 10
 Questions? Call: (800) 607-6575

How Your Charges are Billed

Your telephone bill includes five types of service charges:

1. **Basic Service Charges** - Charges for local telephone service, dial tone line, associated services and installation charges. Your bill will always include some regulated service charges, even if you do not use your phone.
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3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	67.51	67.51
Non-Basic Charges	.00 *	59.32	59.32
Toll Charges	.00 *	13.09	13.09
Non-Telcom Charges	.00 *	4.33	4.33
Directory Advertising	.00 *	.00	.00
Totals	\$.00 *	\$144.25	\$144.25

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For information about your Verizon service, see the "Customer Guide" in front of your phone book. (Federal Tax ID 55-0142020)

Billing Date 3/29/03
Account 000047324016 68Y
Page 1 of 8
Questions? Call: (800) 607-6575



BRAXTON CO BOARD OF EDUC
FRAMETOWN HEADSTART
304 364-8268

Manage your account online at www.verizon.com

Account Summary

Amount of last bill dated 2/28/03.....	\$52.25
Payment(s). Thank you. 3/17.....	\$52.25 ^{cr}
Balance.....	\$.00
Verizon Services.....	\$51.47
Current Charges Due by 4/28/03.....	\$51.47
Total Amount Due by 4/28/03.....	\$51.47

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

✓ To enroll in the Verizon Direct Debit
Payment Option, please read and
sign the agreement on the reverse
of the payment form.

PAID

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below



Billing Date 3/29/03
 Account 000047324016 68.
 Page 2 of 8
 Questions? Call: (800) 607-8100

Summary of Current Charges
 This summary is for information.
 • Verizon
 Bill Section
 Month

How Your Charges are Billed

Your telephone bill includes five types of service charges:

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3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	19.66	19.66
Non-Basic Charges	.00 *	29.65	29.65
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	2.16	2.16
Directory Advertising	.00 *	.00	.00
Totals	\$0.00 *	\$51.47	\$51.47

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For information about your Verizon service, see the "Customer Guide" in front of your phone book.
 (Federal Tax ID 55-0142020)



Billing Date 3/29/03
Account 000026459586 91Y
Page 1 of 8
Questions? Call: (800) 607-6575

BRAXTON COUNTY BD
OF ED BURNSVILLE
304 853-9080

Manage your account online at www.verizon.com

Page 11

Account Summary

Amount of last bill dated 2/28/03.....	\$39.04
Payment(s). Thank you. 3/17.....	\$39.04 cr
Balance.....	\$.00
Verizon Services.....	\$37.09
Current Charges Due by 4/28/03.....	\$37.09
Total Amount Due by 4/28/03.....	\$37.09

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Payment Option, please read and
sign the agreement on the reverse
of the payment form.

A late payment charge not to exceed 1% applies to
any balance carried forward to next month's bill.

PAID

Please write in amount enclosed and send this coupon with your payment in U.S. funds to the address below



Billing Date 3/29/03
 Account 000026459586 91
 Page 2 of 8
 Questions? Call: (800) 607-

How Your Charges are Billed

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3. **Toll Charges** - Charges for both local and long distance toll charges.
4. **Non-Telecommunication Charges** - Charges not regulated by the Public Service Commission of West Virginia.
5. **Directory Advertising Charges** - Charges for advertising in the directory.

	Past Due Balances	Current Charges	Totals
Basic Charges	.00 *	33.49	33.49
Non-Basic Charges	.00 *	1.50	1.50
Toll Charges	.00 *	.00	.00
Non-Telcom Charges	.00 *	2.10	2.10
Directory Advertising	.00 *	.00	.00
Totals	\$.00 *	\$37.09	\$37.09

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